



shoulder and back when she reached into the back seat for a parcel while in the performance of duty. She stopped work on February 23, 2021.

On February 23, 2021 Brittini Roldan, a nurse practitioner, completed an attending physician's report (Form CA-20) and diagnosed left shoulder sprain as causally related to the alleged February 23, 2021 employment injury. She also completed a treatment note of even date diagnosing left shoulder sprain or rotator cuff injury.

Appellant underwent left shoulder x-rays on February 23, 2021, which did not reveal fracture or dislocation.

In a March 5, 2021 development letter, OWCP informed appellant of the deficiencies of her claim, requested additional factual and medical evidence, and provided a questionnaire for her completion. It afforded her 30 days to respond.

Appellant provided additional treatment notes dated March 2 through April 15, 2021 signed by Christy Kelley, a nurse practitioner, Braedon Haertling, a physician assistant, and Scott Murfin, a physical therapist.

On March 22, 2021 Dr. Christie Foster, a Board-certified family practitioner, noted appellant's history of left shoulder injury on February 23, 2021 while lifting a package at work. She opined that the mechanism of injury was consistent with symptoms of rotator cuff injury or tear. Dr. Foster diagnosed rotator cuff tear.

On April 21, 2021 appellant underwent a magnetic resonance imaging (MRI) scan of the cervical spine, which demonstrated multilevel degenerative spondylosis, mild retrolisthesis, and central canal stenosis C3-7.

By decision dated April 21, 2021, OWCP denied the traumatic injury claim, finding that the medical evidence did not establish a causal relationship between appellant's diagnosed conditions and her accepted February 23, 2021 employment incident.

OWCP continued to receive treatment notes from Mr. Murfin and Mr. Haertling, dated through May 13, 2021.

On May 21, 2021 appellant requested reconsideration. She provided additional medical evidence. In notes dated March 2, 9, 16, and 23, 2021, Dr. Foster noted that appellant injured her arm at work. She diagnosed left shoulder sprain and provided work restrictions.

By decision dated July 14, 2021, OWCP denied modification of its prior decision.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>2</sup> has the burden of proof to establish the essential elements of his or her claim, including that the individual is an employee of the United

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<sup>2</sup> *Id.*

States within the meaning of FECA, that the claim was timely filed within the applicable time limitation of FECA,<sup>3</sup> that an injury was sustained in the performance of duty, as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.<sup>4</sup> These are the essential elements of each and every compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>5</sup>

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether fact of injury has been established. There are two components involved in establishing fact of injury. The first component is that the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time and place, and in the manner alleged. The second component is whether the employment incident caused a personal injury.<sup>6</sup>

The evidence required to establish causal relationship is rationalized medical opinion evidence.<sup>7</sup> The opinion of the physician must be based on a complete factual and medical background of the employee, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and specific employment incident identified by the employee.<sup>8</sup>

### ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a left shoulder condition causally related to the accepted February 23, 2021 employment incident.

OWCP received treatment notes from Dr. Foster dated March 2 through 23, 2021 in which she diagnosed left shoulder sprain and left rotator cuff tear. Dr. Foster noted that appellant injured her arm on February 23, 2021 while lifting a package at work. She reiterated her opinion that the mechanism of injury was consistent with her symptoms of rotator cuff injury or tear. While Dr. Foster attributed appellant's diagnosed left shoulder conditions to her accepted February 23, 2021 employment incident, she did not provide a rationalized medical opinion containing a pathophysiological explanation regarding how or why lifting a package resulted in her diagnosed

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<sup>3</sup> *F.H.*, Docket No.18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued December 13, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

<sup>4</sup> *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

<sup>5</sup> *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

<sup>6</sup> *T.H.*, Docket No. 19-0599 (issued January 28, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

<sup>7</sup> *S.S.*, Docket No. 19-0688 (issued January 24, 2020); *A.M.*, Docket No. 18-1748 (issued April 24, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

<sup>8</sup> *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

conditions. These reports are, therefore, of limited probative value and insufficient to establish causal relationship.<sup>9</sup>

Appellant submitted x-rays dated February 23, 2021 and an MRI scan dated April 21, 2021. The Board has held that diagnostic tests, standing alone, lack probative value on the issue of causal relationship as they do not address the relationship between the accepted employment factors and a diagnosed condition.<sup>10</sup> For this reason, the MRI scan is insufficient to meet appellant's burden of proof.

Appellant provided treatment notes from nurse practitioners, a physician assistant, and a physical therapist. The Board has long held that certain healthcare providers such as physician assistants, nurses, nurse practitioners, physical therapists, and social workers are not considered physician(s) as defined under FECA.<sup>11</sup> Consequently, their findings and/or opinions will not suffice for purposes of establishing entitlement to FECA benefits.<sup>12</sup>

As there is no medical evidence of record establishing that appellant's diagnosed left shoulder conditions were causally related to the accepted employment incident, the Board finds that appellant has not met her burden of proof to establish a left shoulder condition causally related to the accepted February 23, 2021 employment incident.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

### CONCLUSION

The Board finds that appellant has not met her burden of proof to establish a left shoulder condition causally related to the accepted February 23, 2021 employment incident.

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<sup>9</sup> See *D.M.*, Docket No. 21-1244 (issued March 25, 2022); *J.N.*, Docket No. 21-0606 (issued November 23, 2021); *T.W.*, Docket No. 20-0767 (issued January 13, 2021); see *H.A.*, Docket No. 18-1466 (issued August 23, 2019); *L.R.*, Docket No. 16-0736 (issued September 2, 2016).

<sup>10</sup> See *W.M.*, Docket No. 19-1853 (issued May 13, 2020); *L.F.*, Docket No. 19-1905 (issued April 10, 2020).

<sup>11</sup> Section 8101(2) of FECA provides that physician includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners within the scope of their practice as defined by State law. 5 U.S.C. § 8101(2); 20 C.F.R. § 10.5(t). See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3a(1) (January 2013); *David P. Sawchuk*, 57 ECAB 316, 320 n.11 (2006) (lay individuals such as physician assistants, nurses, and physical therapists are not competent to render a medical opinion under FECA). See also *J.D.*, Docket No. 21-0164 (issued June 15, 2021) (nurse practitioners are not physicians as defined under FECA); *A.M.*, Docket No. 20-1575 (issued May 24, 2021) (physical therapists are not physicians as defined by FECA); *A.C.*, Docket No. 20-1510 (issued April 23, 2021) (physician assistants are not physicians as defined by FECA).

<sup>12</sup> *Id.*

**ORDER**

**IT IS HEREBY ORDERED THAT** the July 14, 2021 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 28, 2022  
Washington, DC

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board

A handwritten signature in black ink, appearing to read "J. D. McGinley". The signature is written in a cursive, flowing style with a large initial "J" and "M".

James D. McGinley, Alternate Judge  
Employees' Compensation Appeals Board